



California Foothills Legacy Area

Planning Update #2 – November 2011

Greetings!

This is the second in a series of updates provided by the U.S. Fish and Wildlife Service (Service) to share information on the proposal to establish the California Foothills Legacy Area (CFLA), a new voluntary easement program focused on California's rangelands.

The purpose of this second *Planning Update* is to summarize key issues and concerns identified through the public scoping process, and to encourage your continued input, as the plan develops.

Public Scoping Provided Important Insight

We would like to thank everyone who participated in the scoping process for the proposed establishment of the CFLA. Approximately 400 people attended the six public scoping meetings in Bakersfield, Porterville, Le Grand, Sonora, Red Bluff, and Hollister. In addition to the verbal comments recorded at these meetings, we received 49 letters and 78 emails providing comments on the proposed new easement program. The scoping comment period ended on July 15, 2011. The issues identified in these comments provide us a basis for developing a range of alternatives to be considered in the planning process. Some of the questions about the proposed CFLA contained in these comments require further analysis to answer. These questions will be addressed in the draft Environmental Assessment which is scheduled to be completed in spring of 2012. In the meantime, we plan to post additional information on our website which should answer many of the other questions.



Acorn woodpecker. Photo: Gary Kramer/FWS

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Oak woodlands. Photo: Tracy Schohr

Summary of Public Scoping Comments

The comments we received during the scoping period for the proposed California Foothills Legacy Area (CFLA) are summarized below. A more detailed summary of the comments is available on our website at the address on the last page.

A number of the comments we received indicated either support or opposition for the proposed easement program. Written comments were about equally divided between support (55%) and opposition (45%) for the proposal. Verbal comments at scoping meetings are more difficult to quantify. At the Bakersfield, Red Bluff, and Hollister scoping meetings, a majority of the commentors expressed opposition for the proposal. At the other three scoping meetings (Porterville, Le Grand, and Sonora), the response was more mixed.

We received many questions about the planning process for the proposed CFLA. Respondents asked us to do a better job announcing the public meetings, including notifying more local officials about the scoping meetings.

We received many comments regarding the four preliminary focal areas identified for the CFLA. Many wanted to know if we targeted areas for their biological value and suggested that the proposed focal areas be expanded to include other areas. Others suggested that we not identify specific focal areas and that the program should be available to all rangelands in California. One respondent stated that we should consider purchasing energy development rights to protect wildlife and pristine roadless areas from development.

Many respondents asked to see an example easement document. Others asked about the type of restrictions easements would include and how they would affect ranching, mineral rights, and riparian corridors. Some asked if easements would include public access and what would happen if there were a violation to the terms of the easement. We also received a few comments about

how the easements would affect selling a property. Many inquired about the Service's existing wetland easement program in California: how long it has been in existence, acreage included, and cost to manage.

Other respondents asked about the length of the easements. Several suggested that easements include a 5-year trial period before they become permanent. Others suggested that the easement be for 10, 50, or 100 years or more.

There were questions on how the appraisal process worked, who performed them, and whether the potential for development figured into appraisal values. Respondents wondered if there would be a cost for participating in an easement program or costs for having their property appraised

and later deciding not to participate in the program.

Several respondents asked if an easement would alleviate environmental regulations. Others asked if easements would keep utilities such as power lines from being placed across their property or protect their ground and surface water. Another respondent asked about the financial benefits of easements. Many respondents wondered if there were any tax benefits to having an easement. One letter asked if we can provide any legal support to help transfer land between generations of families.

We received several comments on the potential economic effects of the proposed CFLA on local and regional economies and if there would be a



Oak titmouse. Photo: Dave Menke/FWS

decrease in land value and reduced county tax revenues when easements are purchased.

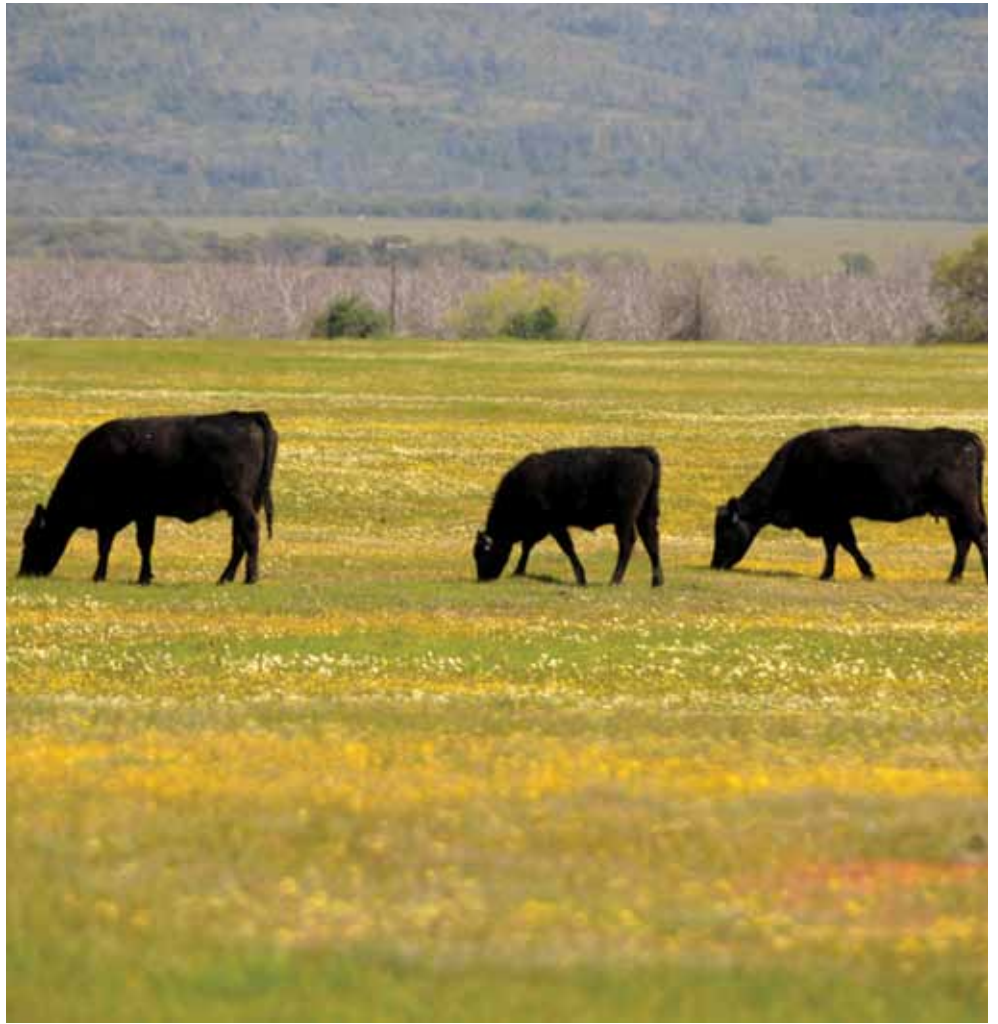
Several respondents suggested we coordinate with local governments and work with existing plans. Others asked if the CFLA would conflict with local planning efforts, such as county plans and if county-identified growth areas had been considered in developing focal areas.

Many respondents requested that third parties (e.g. land trusts) be allowed to hold CFLA easements and if NGOs and local land trusts would have a role in the proposed CFLA easement program.

Several respondents asked about the projected costs of the program and suggested the program should require mandatory local matching funds. Several respondents asked if we can fund the Williamson Act in lieu of the proposed CFLA. Another respondent questioned why federal agencies pursue acquisition of additional lands when they don't have the resources to manage their existing lands effectively.

Many respondents expressed concern that the proposed easement program could lead to increased scrutiny under environmental laws. More specifically, respondents asked if Service personnel would look for endangered species on easement properties and, if found, increase regulations and requirements on landowners. Several asked about the Safe Harbor program, and want some sort of assurance that, if they participated in the program, they or their neighbors would not be penalized for protecting habitat. Other respondents asked if their neighbors participated in the easement program, would they face increased regulations and scrutiny if they wanted to develop their property.

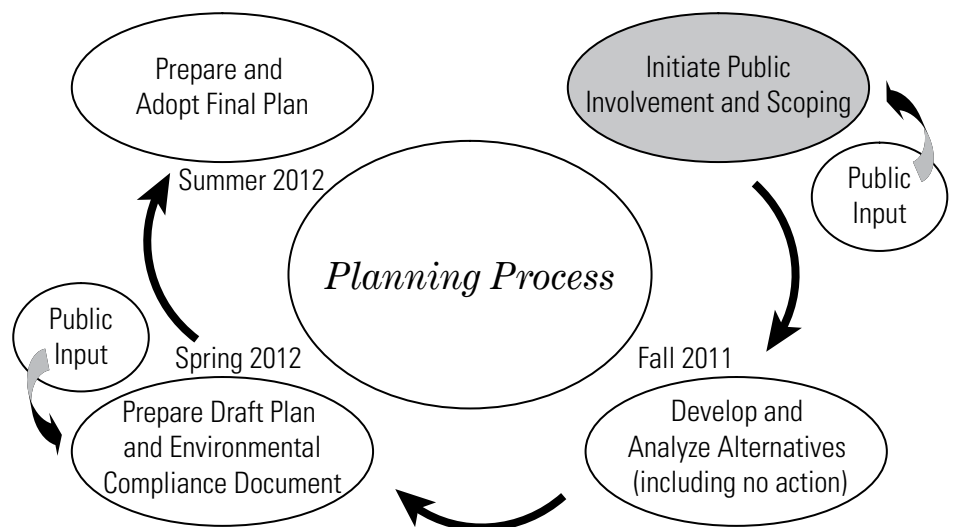
Respondents asked if a change in agency philosophy toward grazing could jeopardize the easement program and how the Service would balance wildlife habitat and ranching when resources are limited.



Vina Plain. Photo: Tracy Schohr

The Planning Process

The graphic below shows the planning process. Scoping has been completed, and the next steps involve developing and analyzing alternatives for the proposed expansion. A draft plan should be ready for review and comment by spring 2012.



Who to Contact

If you have questions and concerns, or would like more information, please feel free to call or write us at the following address and phone numbers:

Mark Pelz, Chief, Refuge Planning

U.S. Fish and Wildlife Service
2800 Cottage Way, W-1832
Sacramento, California 95825
Phone: (916) 414-6504
Fax: (916) 414-6497

Use our e-mail and website

E-mail: fw8plancomments@fws.gov
(Please include "CFLA" in the subject line)

California Foothills Legacy Area Website:

<http://fws.gov/cno/refuges/planning/CFLA.cfm>

Panoramic view of California rangeland. Photo: USFWS

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